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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,581	06/26/2003	Katsunori Komori	10873.1265US01	5802
53148	7590	12/15/2006	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON P.C. P.O. BOX 2902-0902 MINNEAPOLIS, MN 55402			HODGE, ROBERT W	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/607,581

EXAMINER

ART UNIT	PAPER
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20061129

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Commissioner for Patents

See attached Notice of Non-Responsive Amendment

DETAILED ACTION***Election/Restrictions***

Newly amended claims 11, 12, 14 and 15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicants have amended their original claims to now claim a method of producing an alkaline storage battery when previously applicants claims were drawn to just the structure of the storage battery. The newly amended method claims are classified in class 29, subclass 623.1. The original product claims were classified in class 429, subclass 127. The original product claims and presently amended method claims are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method claims can be used to make a capacitor.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11, 12, 14 and 15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

The reply filed on 10/20/06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Because applicants have amended their claims to now recite a method of producing an alkaline storage battery which was previously drawn to the structure of the storage battery in a product claim format, the method claims have been withdrawn from consideration as addressed above and therefore there are no pending claims in the application. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Hodge whose telephone number is (571) 272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trainer Susy Tsang-Foster can be reached on (571) 272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RWH


SUSYTSANG-FOSTER
PRIMARY EXAMINER